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\*Admitted only in Maryland  
\*Admitted only in Virginia  
•Practice limited to  
Federal Agencies

December 20, 2004

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P.O. Box 1450  
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**Mail Stop Amendment**

Re: U.S. Utility Patent Application  
Appl. No. 10/790,766; Filed: March 3, 2004  
For: **Abortive Promoter Cassettes**  
Inventor: Michelle H. Hanna  
Our Ref: 2072.0010008/LBB/SJE

Sir:

Transmitted herewith for appropriate action are the following documents:

1. First Supplemental Information Disclosure Statement;
2. Form PTO-1449 (1 sheet citing 5 documents); and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Lawrence B. Bugaisky  
Attorney for Applicant  
Registration No. 35,086

LBB/SJE/lam  
Enclosures

342183.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michelle M. Hanna

Appl. No.: 10/790,766

Filed: March 3, 2004

For: **Abortive Promoter Cassettes**

Confirmation No.: 4955

Art Unit: 1637

Examiner: *To be assigned*

Atty. Docket: 2072.0010008/LBB/SJE

**First Supplemental Information Disclosure Statement**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on March 3, 2004 in connection with the above-captioned application. Copies of these documents were cited in, or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/984,664, filed October 30, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed the publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the dates indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the document has been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

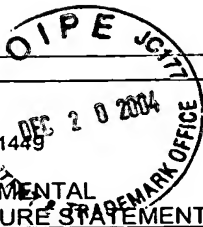
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Date: December 20, 2004

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FORM PTO-1449

FIRST SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
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10/790,766FIRST NAMED INVENTOR  
MICHELLE HANNAFILING DATE  
March 3, 2004ART UNIT  
1637

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3						
	AB3						
	AC3						
	AD3						
	AE3						
	AF3						
	AG3	5,503,979	04/1996	Kramer <i>et al.</i>			
	AH3	6,114,519	09/2000	Cole <i>et al.</i>			
	AI3	2002/0168641	11/2002	Mortensen <i>et al.</i>			
	AJ3						
	AK3						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>21</u>	Cheung <i>et al.</i> , "A Resource of Mapped Human Bacterial Artificial Chromosome Clones," <i>Genome Research</i> 9:983-993, Cold Spring Laboratory Press (1999).
	AS	<u>21</u>	Sasaki <i>et al.</i> , "Transcriptional sequencing: A method for DNA sequencing using RNA polymerase" <i>Proc. Nat'l Acad. Sci. USA</i> 95:3455-3460 (1998).
	AT	<u>21</u>	

EXAMINER

DATE CONSIDERED

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.